

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

AUG 20 2007

Stephan Harris, Clerk
Cheyenne

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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

TETON MILLWORK SALES, a Wyoming
corporation,

Plaintiff,

vs.

ROGER SCHLOSSBERG,

Defendant/Third Party Plaintiff

vs.

MICHAEL PALENCAR,

Third Party Defendant

Civil No. 07-CV-014J

***DEFENDANT'S THIRD-PARTY COMPLAINT
AGAINST MICHAEL PALENCAR***

Defendant Roger Schlossberg (Schlossberg), pursuant to Rules 14 and 19(a)
for his Third Party Complaint as against Michael Palencar (Palencar) alleges and stated as
follows:

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issued 1 summons.

1. Plaintiff, Teton Millwork Sales (Teton), in its Complaint filed herein, has alleged that Defendant Schlossberg improperly seized assets of Teton at a time when Schlossberg was acting as a court appointed receiver in the divorce action Palencar, a principal of Teton.

2. Schlossberg's position in regard to the allegations of Teton is that his seizure of any Teton assets was in accordance with the appointing Court's Order and that at the conclusion of the divorce proceeding Schlossberg returned Teton's assets to the attorney representing Palencar, in accordance with Court Order.

3. In discovery responses, Teton has indicated that funds of Teton were never returned to it by Defendant Schlossberg, and that Teton is unable to identify what funds, if any, were delivered to Palencar's attorney Robert Aitcheson (Aitcheson).

4. Schlossberg, in accordance with the Order Regarding Special Receiver/Trustee of 7 May 2004 issued by the Family Court of Jefferson County, West Virginia that directed Schlossberg "To forthwith, i.e., promptly and with reasonable dispatch, pay over to Respondent Michael Palencar all of the net funds remaining in his custody or control, less the sum of \$35,000.00 to be retained by Roger Schlossberg..." delivered assets of Teton to Palencar through Palencar's attorney/agent Aitcheson. Schlossberg is informed and therefore believes that Palencar, by and through his agent Aitcheson, has failed to deliver Teton's assets to Teton.

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5. Palencar had a duty to Schlossberg to properly distribute all funds and assets delivered to him or his agent by Schlossberg, including funds of Teton. If Palencar or his agent has failed to make that distribution, as contended by Teton in its discovery responses, Schlossberg is potentially liable under Teton's theory of recovery in the amount of any funds not returned to Teton by Palencar. As a result of Palencar's apparent failure to properly distribute funds, Palencar is liable to Schlossberg in any such amounts as Schlossberg may be found to be liable to Teton.

6. Through the doctrine of respondeat superior, Palencar is liable for the acts and omissions of his attorney/agent Aitcheson.

7. Complete relief can not be accorded Teton and Schlossberg in the absence of Palencar as a party to this action.

WHEREFORE Defendant/Third Party Plaintiff Roger Schlossberg prays for judgment against Michael Palencar in any amount that Schlossberg may be found liable to Teton as a result of Palencar's failure to properly distribute assets of Teton.

Dated: 20 August 2007.

ROGER SCHLOSSBERG,
Defendant/Third Party Plaintiff

BY: 

GARY R. SCOTT, #5-1939
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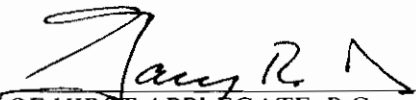
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CERTIFICATE OF SERVICE

I certify the foregoing ***Defendant's Third-Party Complaint Against Michael Palencar*** was served upon all parties to this action pursuant to the Federal Rules of Civil Procedure on 20 August 2007, and that copies were served as follows:

C. M. Aron
Aron and Henning, LLP
1472 North 5th Street, Suite 201
Laramie, WY 82072

☐ U.S. MAIL
☐ FED EX
☐ FAX
☐ HAND DELIVERED
☒ ELECTRONIC MAIL



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